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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,085	12/17/2001	Judith F.M. Masthoff	GB 000189	3675

24737 7590 11/13/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
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ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
11/13/2009	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/023,085
Filing Date: December 17, 2001
Appellant(s): MASTHOFF, JUDITH F.M.

Edward W. Goodman
Reg. No. 28,613
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 31 July 2009 appealing from the Office action mailed 10 March 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is in correct due to a typographical error. The brief on page 8 of the brief erroneously discloses an identification of cancelled claim 4, which upon inspection should refer to outstanding claim 3.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,232,961	Kunimatsu et al.	5-2001
5,966,135	Roy et al.	10-1999
6,459,986	Boyce et al.	10-2002

Smith, A.J. UK Patent Application GB 2,344,037. 11-1998.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 5, 6, 8-10, 13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy et al (US Patent 5,966,135), hereinafter Roy, in view of Kunimatsu et al (US Patent 6,232,961), hereinafter Kunimatsu.

1. Regarding claim 1, Roy teaches displaying a subject image (taught as the display of a map within a browser, at col. 11, lines 31-45), displaying an enlargement of the subject image in response to a user selection of a desired point, the desired point and a point determined from an area associated with the user selection on which the enlargement is based, wherein the determined point is associated with a center of the area (taught as the ability of the user to zoom in around a selected point on the map, at col. 13, lines 25-29).

2. However, Roy fails to explicitly teach such on a touch sensitive display, selecting the desired point by a discrete touch-input on the touch sensitive display proximate to the desired point, and storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that the determined point sufficiently corresponds to he desired point.

3. Kunimatsu teaches a map display system similar to that of Roy. Furthermore, Kunimatsu teaches the map display system on a touch sensitive display, selecting the desired point by a discrete touch-input on the touch sensitive display proximate to the desired point, and storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that the determined point sufficiently corresponds to he desired point (taught as the confirmation of a user selected point, at col. 5,lines 49-67, and the storing of a selected point as a "memory point", at col. 6, lines 49-59).

4. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Roy and Kunimatsu before him at the time the invention was made to modify the map system of Roy to include the touch sensitive display, point confirmation, and point storage of Kunimatsu. One would have been motivated to make such a combination for the advantage of providing a user interface that minimizes erroneous operation by a user. See Kunimatsu, col. 2, lines 6-13.

5. Regarding claim 3, Roy teaches displaying a further enlargement of a previous enlargement of the subject image in response to a next user selection, wherein the further enlargement is based on a point determined as a center of a area associated with the next user selection, taught as the ability to zoom through differing zoom levels around a selected point, at col. 13, lines 25-29 and 41-44, and the ability of the user to zoom in around a selected point on

the map, at col. 13, lines 25-29. As Kunimatsu teaches the use of a touch sensitive display, the examiner contends the further enlargement and zooming as done by Roy would be obvious to similarly implement on the touch sensitive display of Kunimatsu.

6. Regarding claim 6, Kunimatsu teaches determining a second point, in response to a user selection, and storing coordinates representing the second point as a second coordinate parameter, taught as the “memory point” system of col. 6, lines 49-59.

7. Regarding claims 9-10, Roy teaches a computer-readable storage medium having data representing instructions, and an apparatus having a display, a processor, and a user input device, all for displaying a subject, displaying an enlargement of the subject image in response to a user selecting a point on the subject image and displaying on that enlargement that point selected by the user, and returning a point previously selected by the user as displayed on an enlargement of the subject image as a first co-ordinate parameter, at col. 3, lines 62-67 through col. 4, lines 1-56.

8. Regarding claim 13, Roy teaches displaying a subject image (taught as the display of a map within a browser, at col. 11, lines 31-45), displaying an enlargement of the subject image in response to a user selecting an area about a desired point on the subject image and displaying the desired point on the enlarged image, determining and displaying on that enlargement a point upon which the enlargement is based, the point being determined as a center of the area (taught as the ability of the user to zoom in around a selected point on the map, at col. 13, lines 25-29).

9. However, Roy fails to explicitly teach such on a touch sensitive display, selecting the desired point by a discrete touch-input on the touch sensitive display proximate to the desired point, and storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that the determined point sufficiently corresponds to he desired point.

10. Kunimatsu teaches a map display system similar to that of Roy. Furthermore, Kunimatsu teaches the map display system on a touch sensitive display, selecting the desired point by a discrete touch-input on the touch sensitive display proximate to the desired point, and storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that the determined point sufficiently corresponds to he desired point (taught as the confirmation of a user selected point, at col. 5,lines 49-67, and the storing of a selected point as a "memory point", at col. 6, lines 49-59.

11. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Roy and Kunimatsu before him at the time the invention was made to modify the map system of Roy to include the touch sensitive display, point confirmation, and point storage of Kunimatsu. One would have been motivated to make such a combination for the advantage of providing a user interface that minimizes erroneous operation by a user. See Kunimatsu, col. 2, lines 6-13.

12. Regarding claim 15, Roy teaches displaying a further enlargement of a previous enlargement of the subject image in response to a next user selection on the enlargement, taught as the ability to zoom through differing zoom levels, at col. 13, lines 25-29 and 41-44. As Kunimatsu teaches the use of a touch sensitive display, the examiner contends the further enlargement and zooming as done by Roy would be obvious to similarly implement on the touch

sensitive display of Kunimatsu.

13. Regarding claim 17, Kunimatsu teaches determining a second point, in response to a user selection, and storing coordinates representing the second point as a second coordinate parameter, taught as the “memory point” system of col. 6, lines 49-59.

14. The examiner notes that the above Grounds of Rejection contains typographical errors with respect to claims 5 and 8. Claim 5 is rejected over Roy, in view of Kunimatsu and further in view of Smith, as set forth below. Claim 8 has been cancelled.

Claims 2, 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy, in view of Kunimatsu and further in view of Smith (UK Application GB 2,344,037).

15. Regarding claims 2 and 14, Roy and Kunimatsu teach a method similar to that of claims 1 and 13.

However, Roy and Kunimatsu fail to explicitly teach returning a point previously selected by the user (identifying the point) as displayed on an enlargement of the subject image as a first co-ordinate and displaying a reduction of a previous enlargement of the subject image in response to a single user input.

Smith teaches a graphical application that displays subject images and enlarges the subject image in response to user action, similar to the method of Roy. Furthermore, Smith teaches returning a point previously selected by the user (identifying the point) as displayed on an enlargement of the subject image as a first co-ordinate and displaying a reduction of a previous enlargement of the subject image in response to a single user input, taught as the

return to an original scale in response to the selection of a first point in a line, at page 5, lines 31-37.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Roy, Kunimatsu and Smith before him at the time the invention was made to modify the returning of a point previously selected by the user (identifying the point) as displayed on an enlargement of the subject image as a first co-ordinate and displaying a reduction of a previous enlargement of the subject image with the single input trigger of Smith, in order to obtain a graphical application that returns point co-ordinates and the display to the original scale in response to a single user input.

One would be motivated to make such a combination for the advantage of more precise selection of a point provided by an enlarged view. See Smith, page 5, lines 39-43.

16. Regarding claim 5, Roy teaches displaying a reduction of a previous enlargement of the subject image in the same scale as the subject image prior to enlargement, taught as the return to a previous zoom level, at col. 13, lines 41-44.

Claims 7, 11, 12, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy, in view of Kunimatsu and further in view of Boyce et al (US Patent 6,459,986), hereinafter Boyce.

17. Regarding claims 7 and 18, Roy and Kunimatsu teach a method similar to that of claims 6 and 17.

However, while Roy and Kunimatsu disclose viewing the distance between any two points on a map picture (see Roy, col. 12, lines 10-13), Roy and Kunimatsu fail to explicitly

teach performing a calculation to determine the distance between the first and second co-ordinate parameters.

Boyce teaches a routing system for use with maps, as those disclosed in Roy. Furthermore, Boyce teaches a method for performing a calculation to determine the distance between the first and second co-ordinate parameters, at col. 4, lines 18-22.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Roy, Kunimatsu and Boyce before him at the time the invention was made to modify the scalable map display with point-selection means of Roy and Kunimatsu with the first and second co-ordinate distance calculating of Boyce in order to obtain a scalable map display wherein the distance between selectable points may be calculated.

One would be motivated to make such a combination for the obvious advantage of displaying pertinent information to a user, or assisting the routing system of Boyce in finding the most suitable route between selected points. See Boyce, col. 4, lines 18-22.

18. Regarding claims 11, 12, 19, and 20, Boyce teaches determining distances between first and second co-ordinate parameters that are not straight line distances but instead are actual distances that can be traversed to connect the first and second co-ordinate parameters, the actual distance including at least one permissible travel route between the points, taught as the generation of a route over travelable roads between a user-selected starting point and destination point, at col. 3, lines 14-20, 28-31, and col. 4, lines 14-22.

(10) Response to Argument

Appellant argues with respect to claims 1, 3, 5, 6, 9-10, 13, 15 and 17 on pages 14-20 of the brief. The arguments center around the premise that the Kunimatsu reference fails to teach

the claimed "map display system on a touch sensitive display, selecting the desired point by a discrete touch-input on the touch sensitive display proximate to the desired point, and storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that the determined point sufficiently corresponds to the desired point". Appellant argues that although Kunimatsu teaches a touch position confirmation, "there is no disclosure as to what happens to the coordinate data or the displayed touch position once the driver confirms the touched position" (page 17). Appellant further argues that there is "no disclosure or suggestion of locations on the displayed map being determined by coordinates of a touch position on the input pad", on page 19 of the remarks. In response, the examiner notes that the Roy reference is relied upon to teach limitations similar to a user selection of a desired point in a map display system, the desired point and a point determined from an area associated with the user selection on which an enlargement is based. Kunimatsu has been shown to teach selection of coordinates through a discrete touch-input and a touch sensitive display, similar to the coordinate point selection of Roy. Furthermore, Kunimatsu specifically teaches the confirmation of a selected position, at col. 5, lines 64-67, and the storing of coordinate data through the "memory point" registration operation of col. 6, lines 49-59, in which the user may assign a name or title to a desired destination point.

It is the contention of the examiner that a combination of the Roy reference and Kunimatsu reference is sufficient to teach the argued "map display system on a touch sensitive display, selecting the desired point by a discrete touch-input on the touch sensitive display proximate to the desired point, and storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that the determined point sufficiently corresponds to the desired point". For example, a user may select a desired coordinate point for enlargement, as set forth by Roy, utilizing discrete touch input as set forth

by Kunimatsu. The user may then confirm the selected position in the manner allowed by Kunimatsu, in which the system “outputs the coordinate data of the touched position", and further states that "the driver can confirm the current touched position". Subsequent to the confirmation and selection of a desired position, the user may then store the coordinates representing the determined point through the disclosed memory point registration operation of Kunimatsu. It is thus the disclosed combination of Roy and Kunimatsu that would lead one to the claimed "map display system on a touch sensitive display, selecting the desired point by a discrete touch-input on the touch sensitive display proximate to the desired point, and storing coordinates representing the determined point as a first coordinate parameter in response to a confirmation by the user that the determined point sufficiently corresponds to the desired point”.

Appellant argues on pages 19 and 20 of the brief that Kunimatsu fails to teach “determining a second point, in response to a user selection, and storing coordinates representing said second point as a second coordinate parameter”. The examiner contends that nothing precludes a user from utilizing the memory point registration function more than a single time, and as such would teach storing a plurality of points as a plurality of coordinate parameters.

Appellants further arguments with respect to claims 2, 5, and 14 of page 21 and claims 7, 11, 12, and 18-20 of pages 21-22 repeat the above argument that Kunimatsu fails to teach “storing coordinates representing said determined point as a first coordinate parameter…”, and as such are deemed similarly responded to.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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